



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,786	02/11/2004	Takao Yamamoto	14470.23US01	3247
52835 7590 02/23/2007 HAMRE, SCHUMANN, MUELLER & LARSON, P.C. P.O. BOX 2902 MINNEAPOLIS, MN 55402-0902			EXAMINER ILAN, RUTH	
			ART UNIT 3616	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/23/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/776,786

Applicant(s)

YAMAMOTO, TAKAO

Examiner

Ruth Ilan

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuura et al., (US 2001/0047896.) In view of Putnam (US 5,288,094) or Belinky et al. (US 6,076,691) or Davis (US 6,447,302 B1.) Matsuura et al. teaches an all-terrain vehicle including an accessory socket (92) with a protective cover (112) and means (114) for supporting the accessory socket from the vehicle. Matsuura et al. further teaches a rear cowl (44) that has a recess (see Figure 2, indented portions of 44) and a rear carrier (46.) Matsuura et al. further teaches an embodiment in which the accessory socket is mounted in a recess formed in the rear cowl (see paragraph [00043], line 7.) While Matsuura et al. does not shown the specific location of the rear mounting of the socket, Matsuura et al. still inherently discloses that the accessory socket is provided forwardly of the rear end of the rear carrier and downwardly of the rear carrier, because as seen in Figures 1 and 2, because of the location of the rear cowl (44) of Matsuura et al. in relation to the rear carrier (46), anywhere on the rear fender is forward of the rearward end of the rear carrier, and downward of the rear carrier. Matsuura et al. does not specifically disclose the location of the proposed recess in the rear cowl, and as such does not teach that the socket is located to the rear of the driver's seat. Each of Putnam, Belinky et al., and Davis teach that it is known to provide the electrical socket to the rear of the vehicle, in order to facilitate the connection to the accessory, in this

Art Unit: 3616

instance a trailer. It would have been obvious to one having ordinary skill in the art at the time of the invention, in view of the teachings of Putnam, Belinky et al., and Davis, to provide the electrical socket of Matsuura et al. to the rear of the vehicle, and hence behind the seat, in order to facilitate the connection to a trailer. It is also noted that it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70. Matsuura does not specifically show left and right rear combination lamps, with the socket provided between them. The Examiner takes Official Notice that it is known to provide left and right rear combination lamps on a vehicle. These lamps are useful for indicating braking and turning, and are a well known safety feature in the vehicle art. It would have been obvious to one having ordinary skill in the art at the time of the invention to include left and right rear combination lamps on the vehicle of Matsuura et al. in order to provide indication of braking and turning.

Regarding the limitation of the accessory socket located between the lamps, the view shown in Figure 2 shows the recessed portion of the rear cowl in the middle of the cowl, and as such, the accessory socket, mounted in the recessed portion of the rear, as taught by Matsuura et al., would be between the lamps. It is further noted that any portion of the rear cowl is "near" to the lamps, as broadly claimed. It is noted that the Applicant has requested a reference showing the claimed features in the traversal of the Official Notice in the reply filed 6/15/06. The examiner respectfully provides Williams (US 5,718,301) which shows combination taillights (26,28.) Regarding the limitation to claim 1, that as amended requires that the socket is positioned between the lamps, and closer to one than the other, each of the teaching references shows an offset location.

Art Unit: 3616

Davis shows the light between the location of lamps, and offset. It would have been obvious to one having ordinary skill in the art at the time of the invention to include the location as closer to one lamp than the other, because otherwise the socket would get in the way of the traditional license plate opening, as suggested, for instance by Davis. Regarding claim 4, the combination of Matsuura et al. and the other applied references would inherently so perform. Regarding claim 5, Matsuura et al. fails to teach a stay suspended from the rear carrier that holds the socket. Putnam teaches a stay for mounting a vehicle accessory socket that provides a method of mounting an accessory socket that is cheap, easy to manufacture, and durable (see col. 2, lines 1-10.) It would have been obvious to one having ordinary skill in the art at the time of the invention to mount the rear socket of Matsuura et al, by a suspended stay from the rear carrier, in view of the teaching of Putnam, in order to provide a cheap and easy and durable means for mounting the socket.

Response to Arguments

3. Applicant's arguments filed 11/30/06 have been fully considered but they are not persuasive. The Applicant asserts that Matsuura does not specifically identify where in the rear assembly the recess would be located, and further identifies, via a marked up version of Figure 2, two "possible" locations for the socket, and indicates advantages to each. The Applicant further asserts that "Since a number of locations on the rear fender assembly 44 for the socket are possible, the assertion that it would be obvious to position the socket to meet the claim limitations is arrived at only after reading Applicant's disclosure and is not based on teachings in the prior art". This argument is

Art Unit: 3616

not well founded; just because many locations would be obvious, it doesn't mean that certain ones aren't obvious. Additionally, the location at the very rear of the fender is based on the teaching from Davis, Belinky et al., and Putnam that suggests advantages to putting it at the rearward facing surface of the vehicle, ostensibly to facilitate trailer applications. Matsuura teaches that the socket can go on the rear fender assembly.

Regarding the argument with respect to forwardly of the rear carrier and beneath it, since all of the fender is located such, any deviation from such mounting would require a substantial mounting assembly, and this is not reasonable, considering the protective nature of the mounting and relative size of the socket taught by Matsuura.

Regarding the argument on page 8/9 that Putnam, Belinky and Davis teach electric sockets at the rear of the vehicle, and as such would not be forward of the rear carrier, the Examiner respectfully disagrees. Matsuura teaches the importance of protecting the socket, and one having ordinary skill in the art would understand that any protected location on the rear fender would be beneath and in front of the carrier, because of the shape and relative location of the carrier. Matsuura teaches that the socket is to be mounted on the fender, in a protected manner, see for instance Figure 3 and paragraph [0043]. One would not be led to sticking it out from the rear.

Although the Applicant argues that there are a number of advantages achieved by the instant invention, these advantages would flow naturally from the combination of the references applied by the Examiner in the above rejection, and said rejection was founded not on hindsight, but rather from the teachings in the prior art as discussed above. For instance, if the ATV of Matsuura were stood upright, every component in the

Art Unit: 3616

rear of the vehicle would be protected, including a socket located anywhere on the rear fender. As such, the Examiner maintains the rearranging of parts only involves only routine skill, and the application of Japiske is well founded.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

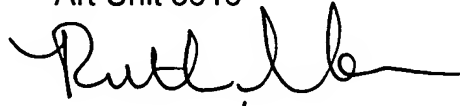
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth Ilan whose telephone number is 571-272-6673. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ruth Ilan
Primary Examiner
Art Unit 3616


2/21/07

RI
2/21/07